

Introduced by Senator Kehoe

February 24, 2006

An act to add Section 43833 to, the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1675, as introduced, Kehoe. Vehicular air pollution: biodiesel blend fuels.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law permits, until January 1, 2008, any federal, state, or local agency to utilize a biodiesel blend fuel consisting of not more than 20% biodiesel in any retrofitted vehicular or off-road diesel engine certified by the state board, whether or not biodiesel is expressly identified as a fuel for use with the retrofit system, as provided. Existing law generally provides that a violation of any rule, regulation, or law relating to air pollution is a crime.

This bill would require, commencing January 1, 2008, all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 2% biodiesel fuel, as defined, and, commencing January 1, 2010, all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 5% biodiesel fuel. The bill would permit the state board to adopt regulations to grant exemptions to those requirements if it finds that engine performance, engine emissions, or both, would be adversely affected by the standards, or if it finds that those standards are not economically feasible. The bill would also permit the state board to

temporarily suspend those requirements if fuel supplies are shown to be inadequate, as provided.

Because this bill would create new crimes by requiring all diesel fuel sold or offered for sale in the state to contain specified percentages of biodiesel fuel by a certain date, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43833 is added to the Health and Safety
2 Code, to read:
3 43833. (a) Commencing January 1, 2008, all diesel fuel sold
4 or offered for sale in the state for use in internal combustion
5 engines shall contain at least 2 percent biodiesel fuel.
6 (b) Commencing January 1, 2010, all diesel fuel sold or
7 offered for sale in the state for use in internal combustion engines
8 shall contain at least 5 percent biodiesel fuel.
9 (c) The state board may adopt regulations to grant exemptions
10 to the requirements of subdivisions (a) and (b) if it finds that
11 engine performance, engine emissions, or both, would be
12 adversely affected by the standards set forth by subdivisions (a)
13 and (b), or if it finds that those standards are not economically
14 feasible.
15 (d) The state board may temporarily suspend the requirements
16 of subdivisions (a) and (b) by regulation if fuel supplies are
17 shown to be inadequate, as determined by the state board.
18 (e) For purposes of this section, “biodiesel” means a fuel
19 comprised of mono-alkyl esters of long chain fatty acids derived
20 from vegetable oils or animal fats, designated B100, and meeting
21 the requirements of the American Society for Testing and
22 Materials (ASTM) D-6751.

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

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